

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action
)	No. 13-10200-GAO
)	
DZHOKHAR A. TSARNAEV, also)	
known as Jahar Tsarni,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

JURY TRIAL - DAY FORTY-SIX

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Tuesday, April 14, 2015
9:06 a.m.

Marcia G. Patrisso, RMR, CRR
Official Court Reporter
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
(617) 737-8728

Mechanical Steno - Computer-Aided Transcript

1 APPEARANCES:

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8 - and -

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14 On Behalf of the Government

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On Behalf of the Defendant

P R O C E E D I N G S

THE CLERK: All rise for the Court and the jury.

(The Court and jury enter the courtroom at 9:06 a.m.)

THE CLERK: Be seated.

THE COURT: Good morning, jurors.

THE JURORS: Good morning, your Honor.

THE COURT: Welcome back.

This will be brief. Let me begin by asking, as I have before, about your compliance with my instructions. And I'd like you to answer verbally, if you would, either affirmatively or negatively. Specifically, have you refrained from discussing anything about the substance of the case, including your deliberations, with anyone, including each other?

THE JURORS: Yes.

THE COURT: All right. Additionally, have you avoided all media reports about the case and the related issues including newspapers, television, radio, Internet, social networking sites?

THE JURORS: Yes.

THE COURT: Thank you. As I mentioned when you were last here, I anticipated we would take a short recess between the guilt phase and the penalty phase of the trial. And that is not uncommon in capital cases.

Last Friday we set the schedule. The jury administrator called each of you that day to tell you about it.

1 He told you that you would be coming in today for a very brief
2 session to hear information about logistics and other matters.
3 He also told you, and I'll remind you now, that you'll not
4 return to court until next Tuesday, a week from today, April
5 21st, when the presentation of evidence in the penalty phase
6 will begin.

7 You may remember when the trial began and you
8 completed the jury questionnaire there was an outline of the
9 schedule that we were going to follow in the case, and that it
00:17 10 would be Monday through Thursday. But we also noted that if
11 there was a Monday holiday in the week, that we would use that
12 Friday.

13 So next Monday is a state holiday, and we will follow
14 that, so we'll begin on Tuesday, and we'll continue for the
15 four days for the rest of the week. So that Friday we would
16 expect to sit, on Friday the 24th, and we'll resume the normal
17 Monday-through-Thursday schedule for the rest of the trial.

18 Predictions about how long a trial will last are
19 usually worse than predictions about the weather, but to give
00:18 20 you a general idea based on what the lawyers have told me, this
21 phase is likely to take about four weeks or so.

22 There's one other important point -- very important
23 point that I want to make with you. As you're undoubtedly
24 aware, this week marks the anniversary of the crimes of which
25 the defendant now stands convicted, and additionally, this

1 coming Monday is the running of the 2015 Boston Marathon.

2 Almost all of you live outside of Boston. Some of you
3 live quite far from Boston. And as a matter of fact, you might
4 think it a little odd that we asked you to come all the way in
5 here today for such a brief session. The fact that we have
6 done so should be taken by you as an indication of how
7 important these brief instructions are to your service as fair
8 and impartial jurors in this case.

9 So I urge you to go about your lives in the coming
00:19 10 week, between now and next Tuesday, and avoid any events that
11 would put you in the position of being exposed to information
12 that would be inappropriate for a juror on this case to see or
13 hear while serving as an active juror.

14 Now, let me be quite direct about it. Do not attend
15 the Boston Marathon or any related events or gatherings that
16 are connected with the anniversary of the 2013 marathon or to
17 this year's running of the marathon. I expect, given where
18 most of you live and work, this will not be a difficult thing
19 for you to do.

00:20 20 Additionally, as you're surely aware, the Boston
21 Marathon is a matter not just of local, but of national and
22 international, interest. It will be covered extensively not
23 just in local media but in the national press. Under the
24 circumstances, again, continue to avoid any coverage of the
25 marathon, both in terms of the issues of this case and the

1 current race. This includes, of course, TV, radio, newspaper,
2 magazines, Internet, social media, and communications with
3 other people about the events.

4 If you happen to see or hear anything that sounds like
5 it's related to the marathon, related events in the media or
6 from other people and so on, stop reading, turn off the TV or
7 the computer, and put your attention in other places. If
8 you're at work and it should happen, you know, leave the room
9 or see what your coworkers will do to accommodate your needs.

00:21 10 And, of course, please continue to refrain from any
11 communication with anyone, including each other, about the
12 issues in the case. People are curious about what you're
13 doing, but it's your duty to tell them if they inquire and
14 discuss the issues -- and seek to discuss the issues with you
15 that you cannot talk to them about it. If anyone persists in
16 trying to speak to you about the case, I remind you that you
17 can let any court official know and we'll come to your
18 assistance.

19 Make sure your family members and coworkers understand
00:21 20 your position, basically. I trust that you have been doing
21 this all along, but I want to underscore that instruction now
22 for this sensitive period.

23 Now, I made this clear I think last week but out of an
24 abundance of caution let me repeat it: These rules continue to
25 apply to all our alternate jurors. Your service remains very

1 important in this case. You may be called to deliberate if
2 something were to happen to prevent one of the jurors who did
3 deliberate in the guilt phase from continuing in the case. So
4 that alternates are still very important to the process here.

5 You will be together in the jury room, you'll eat
6 lunch together, you'll sit in the box as you are now during the
7 presentation, all as happened during the guilt phase. So you
8 remain under the same instructions with respect to
9 communications and the media as the jurors who conducted the
00:22 10 deliberations.

11 When you return next Tuesday, you all take your seats
12 in the box. I'll give you some preliminary instructions, as I
13 did before the prior phase, regarding the sentencing phase.
14 The attorneys will have an opportunity to give you opening
15 statements as they did, and then we'll proceed to the
16 presentation of the evidence relating to your necessary
17 judgment about the appropriate penalty to be imposed on the
18 capital crimes for which you found the defendant guilty.

19 Until then, please put the case out of your minds,
00:23 20 enjoy the warm weather and keep busy with other things. And we
21 will see you back here next Tuesday, all right?

22 We'll be in recess.

23 THE CLERK: All rise for the Court and the jury.

24 (The Court and jury exit the courtroom at 9:14 a.m.)

25 THE CLERK: Court will be in recess.

1 (The proceedings adjourned at 9:14 a.m.)

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4
5 C E R T I F I C A T E

6
7 I, Marcia G. Patrisso, RMR, CRR, Official Reporter of
8 the United States District Court, do hereby certify that the
9 foregoing transcript constitutes, to the best of my skill and
10 ability, a true and accurate transcription of my stenotype
11 notes taken in the matter of Criminal Action No. 13-10200-GAO,
12 United States of America v. Dzhokhar A. Tsarnaev.

13
14 /s/ Marcia G. Patrisso
15 MARCIA G. PATRISSE, RMR, CRR
16 Official Court Reporter

17 Date: 4/14/15
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